

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DIANN HAFEMAN,

Plaintiff,

v.

SOCIAL SECURITY  
ADMINISTRATION, Jo Anne B.  
Barnhart, Commissioner,  
  
Defendant.

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7:05CV5028

ORDER

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This matter is before the court on plaintiff's motion for attorney fees (Filing No. [18](#)) pursuant to [42 U.S.C. § 406\(b\)](#).

On December 1, 2006, this court entered an order and judgment reversing the administrative law judge and finding Hafeman eligible for disability benefits. Filing Nos. [16](#) & [17](#). The court reversed and remanded this case to the Commissioner of the Social Security Administration ("defendant") for computation and awarding of benefits. Both parties agree that Hafeman's counsel is entitled to fees under [42 U.S.C. § 406\(b\)](#).

In her motion for payment of fees, Hafeman's counsel requests that the portion of Hafeman's benefits, specifically the \$8,980.00 that the Social Security Administration has set aside pursuant to §§ 206(a) & (b) of the Social Security Act, be paid directly to Hafeman's counsel. Defendant has no specific objections to such an award, but merely asks that the court review the services performed to ensure that fee requested is a reasonable fee. Filing No. [23](#).

After carefully reviewing the record, and in particular, the itemized amounts set forth by plaintiff's attorney, Steven W. Holland, in Filing No. [18](#), the court concludes that a [42](#)

[U.S.C. § 406\(b\)](#) fee award in the amount of \$8,980.00 is reasonable and plaintiff's motion is granted. See [Gisbrecht v. Barnhart, 535 U.S. 789, 807 \(2002\)](#) ("[Section] 406(b) calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.").

Accordingly, the court directs the defendant to pay the entire § 406(b) fee award in the amount of \$8,980.00, directly to Steven W. Holland.

THEREFORE, IT IS ORDERED:

1. Plaintiff's motion for attorney fees, Filing No. [18](#), is granted.
2. The court orders the defendant to pay plaintiff's attorney, Steven W. Holland, the § 406(b) fee in the amount of \$8,980.00.

DATED this 26th day of January, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge